

**MINUTES**  
**UTAH**  
**Massage Therapy Licensing Board**  
**MEETING**

**January 15, 2008**

**Room 475 – 4<sup>th</sup> Floor – 9:00 a.m.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 9:02 a.m.

**ADJOURNED:** 4:55 p.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Craig Sauer - Chairperson  
Ruth Werner – Acting Chairperson  
Richard Engar  
Carolyn M Redington  
Jennifer Pruetz

**Board Members Absent:**

**Guests:**

Roger Olbrot, AMTA (American Massage Therapy Association)  
Troy Bever  
Gion Lee, Utah Career College  
Ryan Yakiwchuk  
Heidi Gardner  
Sherri Cox  
Penny Anderson  
Karla Smith  
Melissa Rasmussen  
Maryjean Ballner  
Karen Parker  
Thomas Walden  
Danielle Glenn  
Miranda Jacobsen

**DOPL Staff Present:**

F. David Stanley  
Dan T Jones - Bureau Manager  
Penny Volger - Board Secretary  
Vince Garcia - DOPL Investigations  
Pam Bennett - DOPL Investigations  
Lloyd Hansen - DOPL Investigations

**TOPICS FOR DISCUSSION**

**ADMINISTRATIVE BUSINESS:  
MINUTES:**

**MINUTES:**

**HEARING:**

10:00 a.m. Rodriguez, Tanya

**APPOINTMENTS:**

9:00 a.m. Vince Garcia – Citations

1:00 p.m. Yackiwchuk, Ryan

**DECISIONS AND RECOMMENDATIONS**

Mr. Engar seconded by Ms. Redington made a motion to approve the November 20, 2007 Board Meeting minutes, with corrections, the motion carried unanimously.

Mr. Engar seconded by Ms. Redington made a motion to approve the November 30, 2007 Board Meeting minutes, the motion carried unanimously.

Conducted

Mr. Garcia, Ms. Bennett and Mr. Hansen appeared to discuss their concerns with this profession. Mr. Garcia strongly suggested amending 58-47b to allow the Division to issue citations and fines to individuals who are working without a license, or violating the Unlawful or Unprofessional Conduct sections of 58-47b. Mr. Garcia explained that at this time the Divisions only recourse is to issue a "Cease and Desist Order".

Mr. Garcia explained that there are several Salons running prostitution rings, under the pretence of Massage. Ms. Bennett added that for other professions adding citations has helped them to professionalize. Mr. Garcia added that due to the Division not being a Police Agency, sting operations are not done, the Division depends on citizens and other licensees to notify them of any misconduct.

Mr. Ormond then explained that it may be easier to make this type of change if the profession backs the bill. Mr. Olbrot commented that he would discuss this issue at UMTA's (Utah Massage Therapy Association's) next meeting, and report to the Board UMTA's recommendations.

The Board agreed that something needs to be done to protect the profession and the public. The Board and the Association will work together in the upcoming year to write a bill regarding resolving this issue.

Mr. Yackiwchuk appeared for his scheduled appointment with the Board. Mr. Ormond reviewed Mr. Yackiwchuk's application for licensure as a Massage Therapist as it relates to his criminal history. Mr. Yackiwchuk was convicted of Illegal Possession / Use of Controlled Substance, on May 22, 2003; two counts of Illegal Possession / Use of Controlled Substance, on June 24, 2003; and False Personal

Information to a Police Officer, on March 11, 2005. Mr. Ormond then explained that Mr. Yackiwchuk's original application was denied on January 8, 2007, based on his criminal history.

After a detailed discussion Ms. Werner seconded by Mr. Engar made a motion to issue Mr. Yackiwchuk a probationary license for the period of two years, which will require him to undergo chemical testing for the first year, work under direct supervision, submit quarterly employer reports, and meet with the Board on a quarterly basis, the motion carried unanimously.

1:15 p.m. Anderson, Penny

Ms. Anderson appeared for her probationary interview with the Board, with a positive employer report from her direct supervisor S. Allen D.C. of Alta Vista Chiropractic. Ms. Anderson explained that due to financial difficulties she has not begun her required chemical testing. At Ms. Anderson last appointment with the Board on November 20, 2007, she was determined to not be in compliance with her MOU (Memorandum of Understanding) due to this issue. She then explained that she would be signing up to start her chemical test, after this appointment.

After a brief discussion it was determined that Ms. Anderson was not in compliance with her MOU. Ms. Anderson will meet again with the Board on March 18, 2008, and must be in full compliance with her MOU at that time.

1:30 p.m. Cox, Sherri

Ms. Cox appeared for her probationary interview with the Board, with her required self-reporting forms.

After a brief discussion it was determined that Ms. Cox is in compliance with her MOU and will meet again with this Board on July 8, 2008.

1:45 p.m. Bever, Troy

Mr. Bever appeared for his probationary interview with the Board, with an employer report from his direct supervisor, Thomas LaVoie of Creative Touch. Mr. Bever also submitted a letter requesting an early release from this probation based on complications with a Medical issue. Mr. Bever explained that he intends to only teach with his license and is no longer practicing as a Massage Therapist, due to his Medical condition.

After a detailed discussion the Board determined that an early release from this probation was not in the best interest of the public. Mr. Bever's request was denied. It was then determined that Mr. Bever is in compliance with his MOU, and will meet again with the Board on July 15, 2008.

Ms. Smith appeared for her probationary interview with the Board, with a positive employer report from Robert Bezzet of Tangles, and letters that the Board had requested at her last meeting on July 17, 2007.

After a detailed discussion Ms. Werner seconded by Mr. Engar made a motion to release Ms. Smith from this probation based on continued compliance with her MOU, the motion carried unanimously.

2:15 p.m. Rasmussen, Melissa

Ms. Rasmussen appeared for her probationary interview with the Board, with a positive employer report from Angela Mazza, of Creative Touch. Ms. Rasmussen then explained that her Community Service which is required for her August 7, 2007 charge will be completed later this week.

Ms. Rasmussen then explained that her Therapist offers an Ethics course; she questioned the Board, if she could use this course as all or part of her required Continuing Education. After a brief discussion it was determined that Ms. Rasmussen is in compliance with her Stipulation and Order and she will submit additional information regarding the Ethics course to the Board, for review, at her next appointment on May 20, 2008.

2:30 p.m. Velasquez, Francisco

Mr. Velasquez appeared for his probationary interview with the Board, with a positive employer report from Courtney Garn, of Sego Lily Mind Body Spa, and proof of completion of two of his required Continuing Education hours in Ethics.

After a brief discussion it was determined that Mr. Velasquez is in compliance with his Stipulation and Order, and will meet again with the Board on May 20, 2008

3:00 p.m. Ballner, Maryjean

Ms. Ballner appeared for her scheduled appointment with the Board, to review her application for licensure as a Massage Therapist, as it relates to her education, and experience. Ms. Ballner submitted a:

- Verification of licensure from New York proving that she has been licensed as a Massage Therapist since September 1983;
- Transcript from the Swedish Institute Inc proving that she completed a Massage Therapy course in 1983; and
- Several books and DVD that she authored or co-authored.

Mr. Olbrot explained that the Swedish Institute Inc was accredited by the AMTA (American Massage Therapy Association) and that all accredited programs were a

minimum of 504 credit hours.

After a detailed discussion it was determined that Mr. Ormond will review the Utah Massage Therapy requirements for licensure in 1983 to determine if Ms. Ballner's education and experience meet the requirements for licensure at that time. If it is determined that her education is equal to the 1983 requirements her license may be issued by the Division, with out further approval by the Board.

3:15 p.m. Lanzer, Lana

Ms. Lanzer and her Massage Apprenticeship Supervisor, Irina Fedorenko did not appear for their scheduled appointment with the Board.

3:30 p.m. Parker, Karen

Ms. Parker appeared for her scheduled appointment with the Board, to review her application for licensure as it relates to her request to obtain a waiver of the examination requirement. Ms. Parker explained that she has a learning disability which makes it difficult for her to pass examinations with out assistants.

After a brief discussion it was determined that Ms. Parker is not required to be licensed, due to her current position as a Chiropractic Assistant, under the direct supervision of a Chiropractor.

3:45 p.m. Williams, Christal

Ms. Williams did not appear for her scheduled appointment with the Board, to review her application for licensure as a Massage Apprentice, with Ms. Lynda Fosburg as her supervisor.

After a brief discussion Mr. Engar seconded by Ms. Redding made a motion to approve Ms. Williams' application for licensure, contingent upon Mr. Sauer's approval of an updated curriculum, which contains sufficient education and training to insure that Ms. Williams will be able to pass the Federation of State Massage Therapy Boards MBLEx (Massage and Bodywork Licensing Examination), and the curriculum has been received by the Division with in thirty days.

4:00 p.m. Walden, Thomas

Mr. Walden appeared for his scheduled appointment with the Board to review his application for licensure as a Massage Therapist, as it relates to his criminal history. Mr. Ormond explained that Mr. Walden was convicted of Simple Assault by the 4<sup>th</sup> District Court in Provo, on August 1, 2007, which was held in Abeyance upon completion of an Anger Management Course, the charge was later dismissed on October 1, 2007.

After a detailed discussion Ms. Redington seconded by Mr. Engar made a motion, based on his full compliance with his plea in Abeyance and the nature of the circumstances around the charge, to approve Mr. Walden's application for licensure, with no restrictions, contingent upon proof of current NCBTMB (National Certification Board of Therapeutic Massage and Bodywork) certification, the motion carried unanimously.

4:15 p.m. Glenn, Danielle

Ms. Glenn appeared for her scheduled appointment with the Board to review her application for licensure as a Massage Therapist, as it relates to her criminal history. Mr. Ormond explained that Ms. Glenn was convicted of Theft by the Pleasant Grove City Court on March 24, 2005.

After a brief discussion Mr. Engar seconded by Ms. Redington made a motion to approve Ms. Glenn's application for licensure, contingent upon proof of passing the NCBMTB exam, the motion carried unanimously.

4:30 p.m. Jacobsen, Miranda

Ms. Jacobsen appeared for her scheduled appointment with the Board, to review her application for licensure as a Massage Apprentice, with Ms. Lynda Fosburg as her supervisor.

After a brief discussion Mr. Engar seconded by Ms. Redding made a motion to approve Ms. Jacobsen application for licensure, contingent upon Mr. Sauer's approval of an updated curriculum, which contains sufficient education and training to insure that Ms. Jacobsen will be able to pass the Federation of State Massage Therapy Boards MBLEx (Massage and Bodywork Licensing Examination), and the curriculum has been received by the Division within thirty days.

#### **DISCUSSION ITEMS:**

##### **FSMTB Educational Requirements**

Mr. Olbrot explained that he researched the educational requirements from several other states who accept the MBLEx exam, to determine how the other state, verifies the student's education. He further explained that other states who accept this exam are requiring students who obtained their education from out side of their state, to submit a transcript from their school which includes a detailed course breakdown of all areas of the student's education.

Mr. Olbrot further explained that New York currently requires licensees to have graduated from an accredited institution with a minimum of a 1000 hour curriculum. If the licensee does not have the appropriate education they must obtain it prior to licensure.

Mr. Ormond then questioned the Board concerning if eligibility to sit for the MBLEx exam is not equal to Utah's educational requirements why is the R156-47b being changed to allow. After a brief discussion it was determined that the rules changes requires that all licensee must graduate from an accredited institution with a 600 hour curriculum. The Board determined to allow the rules change to take affect, and then the Board will determine if any additional educational requirements should be added for licensure if the licensee takes the MBLEx.

**CORRESPONDENCE:**

**Utah Law & Rules Exam Results**

Reviewed no further action

**COMTA Alerts – November 2007**

Reviewed no further action

**ADJOURN:**

4:55 p.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

March 18, 2008

(ss) Craig Sauer

Date Approved

Chairperson, Massage Therapy Licensing Board

March 18, 2008

(ss) Daniel T. Jones

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing